

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOSUE JEROME WALTON,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-0281-F
)	
JIM KEITH, Warden, et al.,)	
)	
Respondents.)	

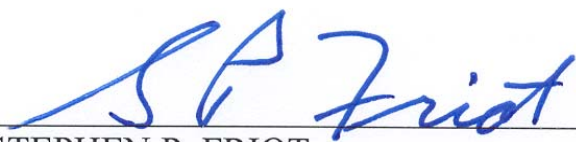
ORDER

This action is filed by petitioner, a state prisoner appearing *pro se*, for habeas relief under 28 U.S.C. § 2254. Petitioner has filed a motion for *in forma pauperis* status. (Doc. no. 2.) On March 18, 2009, Magistrate Doyle W. Argo filed a Report and Recommendation recommending that petitioner's motion for *in forma pauperis* status be denied, and recommending that this action be dismissed without prejudice unless petitioner pays the full \$5.00 filing fee on or before April 7, 2009. (Report, doc. no. 5.) The Report advised petitioner that failure to timely object to the Report waives the right to appellate review of both factual and legal issues contained in the Report. Petitioner has not responded to the Report, has not paid the filing fee, and has not asked for an extension of time within which to do either.

With no objection having been filed and with the filing fee remaining unpaid, the court, after review, hereby **ADOPTS, ACCEPTS** and **AFFIRMS** the Report and Recommendation of the Magistrate Judge. Accordingly, petitioner's request for *in*

forma pauperis status is **DENIED**. This action is dismissed without prejudice for failure to pay the \$5.00 filing fee.

Dated this 21st day of April, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

09-0281p002.wpd